

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08cv230**

FIRST UNION RAIL CORPORATION,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
SPRINGFIELD TERMINAL RAILWAY COMPANY; MAINE CENTRAL RAILROAD COMPANY; BOSTON AND MAINE CORPORATION; and PAN AM RAILWAYS, INC.,)	
)	
Defendants.)	
)	

THIS MATTER is before the court in accordance with 28, United States Code, Section 636(c), and upon the court's own lift the stay of deadlines previously imposed. Since such stay was imposed in May 2009, respective counsel have successfully resolve the underlying discovery dispute and defendants have, subject to the Consent Order, removed themselves from any penumbra of contempt concerning compliance with Judge Horn's earlier Order compelling discovery. Counsel for the respective parties are to be commended for their most professional efforts. The respective parties are advised that they could not have had better representation in this matter.

Turning next to the reopening of discovery, it would appear that discovery is well underway again and that it could be completed by October 1, 2009. The court will reset such deadline accordingly, reset the mediation deadline for October 15,

2009, and require any dispositive motions on the remaining claim for Unfair and Deceptive Trade Practices to be filed not later than October 31, 2009. Trial will be reset for the first available term on or after December 1, 2009. While this court is more than willing to consider dispositive motions and conduct a trial, the parties should seriously consider the advantages of resolving the remainder of this action in a manner that results in no future lawsuits being filed.

The court has also considered counsel's request that the court conduct a hearing to determine what issues remain. While such a request is not unreasonable, the court believes in "leaving well enough alone" and stands ready to resolve any actual dispute that may arise.

ORDER

IT IS, THEREFORE, ORDERED that the **STAY** of the deadlines contained in the Pretrial Order is **LIFTED**, and deadlines are reset as follows:

- (1) the discovery deadline is reset for October 1, 2009;
- (2) the mediation deadline is reset for October 15, 2009;
- (3) any dispositive motions shall be filed not later than October 31, 2009;
and
- (4) trial is reset for the first available term on or after December 1, 2009.

The parties will be notified of the actual trial date by the Clerk of Court when such date is actually set.

Signed: August 12, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

